

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOUIS WILBON,

Plaintiff,

v.

Case No. 10-14075
Honorable Patrick J. Duggan

PRISON HEALTH SERVICES, INC.,
ZIVIT COHEN, M.D., VERNON
STEVENSON, M.D., LATOYA JACKSON,
P.A., JEFFREY C. STIEVE, M.D.,
HARRIET A. SQUIER, M.D., JOHN DOE,
and JANE DOE,

Defendants.

OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

On October 12, 2010, Plaintiff filed this lawsuit against Defendants claiming violations of his civil rights under 42 U.S.C. §§ 1983 and 1985. On February 25, 2011, this Court referred the lawsuit to Magistrate Judge Mark A. Randon for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). On February 8, 2012, Defendants Prison Health Services, Inc., Zivit Cohen, M.D., Harriet Squier, Vernon Stevenson, and Latoya Jackson (collectively "Defendants") filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 41, due to Plaintiff's failure to

prosecute this matter.¹

On June 6, 2012, Magistrate Judge Randon filed a Report and Recommendation (R&R) recommending that this Court grant Defendants' motion. Magistrate Judge Randon relies on Plaintiff's failure to apprise the Court of a valid current address (despite doing so twice previously), file an Amended Complaint, respond to Defendants' motion, or take any other action in the case since November 2011.² (*See* R&R at 4.) At the conclusion of the R&R, Magistrate Judge Randon advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (R&R at 5.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Randon.

Accordingly,

IT IS ORDERED, that Magistrate Judge Randon's R&R is adopted and

¹This Court previously granted summary judgment to and dismissed Defendant Jeffrey C. Stieve, M.D. (Doc. 63.)

²On November 14, 2011, Plaintiff filed a motion seeking an extension of time to comply with Magistrate Judge Randon's October 27, 2011 order granting Defendants' motion for a more definite statement and ordering Plaintiff to file a second amended complaint within twenty-eight days. In an order issued December 22, 2011, Magistrate Judge Randon granted Plaintiff an extension of time, providing Plaintiff until January 9, 2012 to file his amended complaint. (Doc. 64.) Magistrate Judge Randon warned Plaintiff that no further extensions would be granted and that "[f]ailure to comply with th[e] order may result in sanctions up to and including dismissal of this action." (*Id.* at 1.) After November 14, 2011, Plaintiff took no further action in this case.

Defendants' motion to dismiss is **GRANTED**.

Date: July 10, 2012

s/PATRICK J. DUGGAN

UNITED STATES DISTRICT JUDGE

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